

Message Text

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C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0265

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TAGS: PGOV, GE, GW, WB
SUBJECT: SENAT STATISTICS ON WEST BERLIN AND FRG TRAVELLERS TO
EAST BERLIN AND GDR

REF: (A) USBERLIN 0147 DTG 201040Z JAN 78, (B) BONN 1845 DTG
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SUMMARY: FIGURES PROVIDED BY BERLIN SENAT INDICATE SUBSTANTIAL
INCREASE IN NUMBER OF THOROUGH SEARCHES OF GERMANS USING
TRANSIT ROUTES AND REFUSALS OF WEST BERLINERS AND FRG
CITIZENS SEEKING TO VISIT EAST BERLIN AND GDR. NUMBER OF
ACTUAL ARRESTS FOR MISUSE OF TRANSIT WAYS OF FOR ASSISTING
ESCAPEES APPEARS CONTANT, HOWEVER. JAN. 26 BERLIN HOUSE
DEBATE OF GDR'S "MISUE OF MISUSE CLAUSE" REFLECTED GREATER
WILLINGNESS OF SPD/FDP TO RIDE OUT ISSUE, AND INCREASING
CDU IRRITATION AND FRUSTRATION WITH APPARENT GOVERNMENT
UNWILLINGNESS TO TAKE COUNTERACTIONS AGAINST GDR. END
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SUMMARY.

1. BERLIN SENAT HAS PROVIDED PARTIAL STATISTICS
ON FRG AND WEST BERLIN TRAVELLERS TO EAST BERLIN
AND THE GDR. FIGURES INDICATE SUBSTANTIAL INCREASES
IN 1977 OVER 1976 IN REFUSALS TO PERMIT WEST BERLINERS
AND FRG CITIZENS SEEKING TO VISIT EAST BERLIN AND GDR.

SENAT STATISTICS ALSO SHOW THAT DURING JANUARY 1978 AT LEAST 220 TRANSIT TRAVELLERS BETWEEN BERLIN AND FRG UNDERWENT THOROUGH SEARCHES. TREND TOWARD INCREASED CONTROL REPORTED REFTEL THUS CONTINUES.

2. ACCORDING TO SENAT CALCULATIONS, ONE-DAY TRIPS BY FRG TRAVELLERS FROM WEST BERLIN TO EAST BERLIN FOR JANUARY THROUGH NOVEMBER 1977 WAS THE SAME AS FOR THE COMPARABLE PERIOD IN 1976 (1.4 MILLION). THERE WERE 21 ARRESTS FROM JANUARY THROUGH NOVEMBER IN BOTH YEARS. NUMBER OF FRG CITIZENS REFUSED ENTRY TO EAST BERLIN FROM WEST BERLIN HOWEVER SKYROCKETED FROM 61 FOR THE 11-MONTH PERIOD IN 1976 TO 514 IN THE CORRESPONDING PERIOD OF 1977.

3. WEST BERLINERS TRAVELLING TO EAST BERLIN AND TO THE GDR ON THE BASIS OF VISITS AGREEMENT, IN SENAT ACCOUNTING, WERE 3.4 MILLION FROM JANUARY THROUGH NOVEMBER 1976 AND AGAIN IN JANUARY THROUGH NOVEMBER 1977. DURING THIS TIMESPAN IN 1976, THERE WERE 46 ARRESTS; IN 1977, ONLY 26. REJECTIONS OF WEST BERLINERS NUMBERED 329 FROM JANUARY THROUGH NOVEMBER 1976; ALMOST FOUR TIMES AS MANY PEOPLE (1,272) WERE REJECTED BY EAST GERMAN AUTHORITIES IN JANUARY THROUGH NOVEMBER OF 1977.

4. THE SUBJECT OF THE INCREASED GDR CONTROLS ON THE
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TRANSIT ROUTES WAS DEBATED AT LENGTH IN THE BERLIN HOUSE OF REPRESENTATIVES JANUARY 26 AT THE REQUEST OF THE BERLIN CDU, WHICH POSED SERIES OF 10 QUESTIONS TO SENAT. THRUST OF QUESTIONS WAS: DID SENAT REALIZE NUMBER OF THOROUGH SEARCHES HAD BEEN RAPIDLY RISING SINCE OCTOBER? IF SO, WHY HAD IT NOT INFORMED THE PUBLIC EARLIER, HOW DID IT ANALYZE THE SITUATION (E.G. WAS ANY GROUP BEING SINGLED OUT FOR SEARCHES), AND WHAT WAS IT GOING TO DO ABOUT IT? SENAT'S REPLY DELIVERED BY FEDERAL SENATOR KORBER CONFIRMED SHARP INCREASE IN NUMBER OF SEARCHES. KORBER SAID, HOWEVER, THAT EXTENT OF CONTROLS HAD ONLY BEEN CLEARLY ASCERTAINED WHEN OFFICIAL FIGURES FOR DECEMBER BECAME AVAILABLE AT END OF YEAR. KORBER REFUSED TO OFFER ASSESSMENT OF GDR ACTIONS AND STATED UNWILLINGNESS OF WEST BERLIN GOVERNMENT TO DECLARE WHETHER GDR HAD VIOLATED TRANSIT TRAFFIC AGREEMENT BECAUSE SENAT IS NOT PARTY TO THAT AGREEMENT. KORBER ARGUED THAT SENAT COULD ONLY GATHER MATERIALS AND PASS THEM TO FRG. FRG IN TURN HAD TO MAKE DECISION WHERE AND HOW TO RAISE ISSUE WITH THE GDR.

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5. CRUX OF CDU POSITION IN HOUSE OF REPRESENTATIVES
WAS THAT SPD NEGOTIATOR OF TTA, EGON BAHR, HAD
NEGOTIATED PARAGRAPH 16 POORLY AND HAD LEFT GDR
MAJOR LOOPHOLE WHICH IN PRACTICE HAS PERMITTED GDR
CAPRICIOUS CONTROL OF TRANSIT ROUTES. CDU FURTHER ARGUED THAT
SPD/FDP GOVERNMENT IN BONN HAS BEEN TOO READY TO ACCEPT GDR STATE-
MENTS THAT THOROUGH SEARCHES BASED ON REASONABLE SUSPICION THAT
TRANSIT ROUTES MIGHT BE MISUSED WHEN IN FACT GDR HAS SHOWN NO
GROUND FOR CONDUCTING SUCH SEARCHES. FINALLY, CDU CHARGED BONN AND
BERLIN COALITION GOVERNMENTS WITH FAILING TO TAKE COUNTER-MEASURES
AGAINST GDR WHEN IT VIOLATED SPIRIT OF TRANSIT AGREEMENT.

6. DURING SUBSEQUENT DEBATE OF ISSUE, CDU CHALLENGED SPD/FDP
COALITION TO "PULL ECONOMIC LEVER" ON GDR, BY THREATENING TO
CUT OFF "SWING" CREDITS, OR BY PARTIALLY CLOSING GDR'S "BACK
DOOR" TO EUROPEAN COMMUNITY. SPD REPRESENTATIVES IN RESPONSE
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ARGUED THAT NEITHER OF THESE MEASURES WOULD IN FACT BRING PRESSURE
ON GDR; GDR ABLE, ACCORDING TO BERLIN SPD SPOKESMAN, TO OBTAIN

NECESSARY INVESTMENT CREDITS FROM OTHER COUNTRIES SUCH AS JAPAN, SWEDEN AND SWITZERLAND IF FRG CREDITS ARE CUT OFF. FURTHER, DE FACTO INCLUSION OF GDR IN EUROPEAN COMMUNITY IS ONE OF FEW REMAINING INSTANCES WHERE "GERMANY" IS IN FACT STILL A UNITED COUNTRY. DEBATE CONCLUDED WHEN CDU CAUCUS CHAIRMAN HEINRICH LUMMER SUMMED UP MAJOR CDU CONCERN IN SINGLE QUESTION: "WHAT IS THE FRG GOING TO DO TO KEEP THE GDR FROM INCREASING NUMBER OF UNJUSTIFIED CONTROLS OF TRANSIT TRAVELLERS UNDER PARAGRAPH 16(2) OF THE TRANSIT AGREEMENT?" GOVERNMENT COALITION PARTIES THEN BROUGHT FORWARD DRAFT MOTION STATING THAT BERLIN HOUSE OF REPRESENTATIVES VIEWED WITH CONCERN THE SHARPLY INCREASED CONTROLS OF TRANSIT WAYS BY THE GDR, WHICH CONTROLS APPEAR TO BE UNJUSTIFIED UNDER THE TERMS OF THE TTA. THE HOUSE MOTION FURTHER CALLED FOR THE IMMEDIATE REDUCTION OF SEARCHES IN THOSE INSTANCES WHERE CONCRETE EVIDENCE OF REAL OR SUSPECTED MISUSE OF TRANSIT ROUTES DID NOT EXIST. FINALLY, THE BERLIN HOUSE MOTION CALLED UPON THE SENAT TO ACTIVELY PURSUE THE MATTER WITH THE GOVERNMENT IN BONN SO THAT APPROPRIATE STEPS CAN BE TAKEN TO CONVINCE THE GDR TO PROPERLY OBSERVE THE MISUSE CLAUSE OF THE TTA. THE MOTION WAS PASSED INANIMOUSLY.

7. THE SHARP INCREASE IN REJECTIONS OF WEST BERLINERS AND FRG CITIZENS GOING TO VISIT THE GDR OR EAST BERLIN CONTRASTS WITH THE RELATIVELY STABLE NUMBER OF ARRESTS AND REJECTIONS FOR GERMANS USING THE TRANSIT ROUTES TO BERLIN. THE SENAT HAS PRIVATELY EXPRESSED THE VIEW TO US THAT THE THOROUGH SEARCHES OF TRANSIT TRAVELLERS' VEHICLES BY THE GDR, WHICH HAS BECOME PARTICULARLY NOTICEABLE SINCE NOVEMBER, ARE NOT IN ACCORDANCE WITH ARTICLE 16 OF THE TRANSIT AGREEMENT. SENAT EMPHASIZED TO US THAT SUFFICIENT REASON FOR SUSPECTING A MISUSE OF THE TRANSIT ROUTE

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MUST BE PRESENT BEFORE GDR AUTHORITIES CAN TAKE THE TRAVELLER'S VEHICLE OR PERSONAL BELONGINGS IN HAND. THE REASON MUST BE BASED ON SPECIFIC FACTS OR CONCRETE EVIDENCE INDICATING A CERTAIN DEGREE OF PROBABILITY OF MISUSE OR INTENDED MISUSE. THE FACT THAT IN THE VAST MAJORITY OF SEARCHES NO MISUSE OF THE TRANSIT ROUTE HAS BEEN CONFIRMED IS, IN SENAT VIEW, PROOF THAT THE GDR HAS BEEN ACTING WITHOUT SUFFICIENT REASON AS DEFINED IN ARTICLE 16. AS EVIDENCED BY THE HOUSE DEBATE (PARAS 4-6 ABOVE) THE SENAT AND SPD/FDP HOUSE MEMBERS ARE NOT PREPARED TO GO SO FAR IN PUBLIC COMMENTS, IN PART BECAUSE THEY BELIEVE SUCH STATEMENTS SHOULD PROPERLY EMANATE FROM BONN, IF AT ALL. GEORGE

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